REMARKS / ARGUMENTS

Claims 1-3, 6-31 are pending examination prior to this amendment. Claims 1-3, 6-25, 27, 30 and 31 have been amended herein, for the reasons discussed below. Claims 26 and 29 has been cancelled. Thus, claims 1-3, 6-25, 27, 28, 30 and 31 are presented for further consideration.

In the May 19, 2006 Final Office Action all claims were rejected.

The present amendment is filed within the shortened two month period from the date of the action. Furthermore, Applicants assert that the instant amendment places the application in a condition for allowance, or in the alternative, that its entry is appropriate as the instant amendments place the application in a better condition for appeal, as permitted by 37 CFR 1.116.

Applicant thanks the examiner for his careful consideration of the present claims, and the prior art of record. In light of the amendments and arguments made herein, applicant respectfully traverses the conclusions reached by the examiner.

In the latest action, the examiner rejected claims 1-2, 6-17 and 19-31 as anticipated by US 5,983,893 to Wetterlin. Further, Claim 18 was rejected as obvious over Wetterlin in view of US 6237590 to Leedom. No rejection of claim 3 was made, but as this claim was not indicated to be allowable, it will be presumed that its non-inclusion in the 102 rejection was an oversight on the part of the examiner.

Claim 1 and its dependents are distinguished from Wetterlin in that the covering means of the claimed inhaler is required to be in biased contact with the discrete metered dose of medicament. In Wetterlin, operation of the

maneuvering unit 13 causes a medicament dose to be metered from a bulk medicament powder reservoir (not shown, but inside the inhaler 12), the metered dose so dispensed being disposed inside the inhaler 12. In other words, a discrete metered dose does not exist inside the bulk container, but only outside the container on metering therefrom. The first valve means 18 is therefore not in biased contact with a discrete metered medicament dose, as required by claim 1 and its dependents.

The inhalers according to claims 13 and 31 and their dependents are provided with:

- a pocket containing a single metered dose of medicament; and
- at least one sealing flap in biased contact with the pocket to provide a cover therefor.

The inhaler of Wetterlin does not have the pocket nor the sealing flap(s) required in the inhaler of claims 13 and 31 and their dependents. The bulk container is clearly not a "pocket" as required by the claims. This is supported by the fact that the pocket is required to contain a "single metered dose of a medicament", whereas the bulk container contains bulk unmetered medicament. In Wetterlin, a metered dose is only in existence outside of the container, and even then not in a pocket covered by at least one sealing flap.

It is therefore clearly established above that the claims concern novel subject matter compared to the disclosure in Wetterlin, and Applicant respectfully requests withdrawal of the instant rejection.

Wetterlin addresses the problem of enabling operation of a dry powder inhaler without a patient having to inhale thereon, or by a patient inhaling with low inhalation force (see e.g. col. 1, lines 28-33). This is achieved by mounting the inhaler 12 inside an accessory to create an inhaler assembly. The accessory includes a pair of valve means 16, 18 through which a metered dose

of medicament powder released inside the inhaler can be drawn out of the inhaler 12 into a dispersing (holding) chamber 20 of the accessory located between the valve means 16, 18. The medicament powder can then be dispensed to the patient from the dispersing chamber 20 either by patient inhalation at a lower force than normally needed to draw the powder from the inhaler 12, or by manual operation of the accessory.

Wetterlin is not concerned at all with protecting a metered medicament dose, like the claimed invention. The medicament in Wetterlin is protected by its containment in a bulk reservoir up until it is metered therefrom by a metering mechanism (not shown), whereupon the exposed dose is then drawn into the dispersing chamber 20 for patient administration.

There is therefore absolutely no motivation or suggestion in Wetterlin to arrive at the claimed invention.

As the LEEDOM reference is only cited in relation to sub-claim 18, no remarks above and beyond those set out above are necessary. The Examiner would appear to have conceded the lack of relevance of LEEDOM to the independent claims in light of the reply to the previous Office Action.

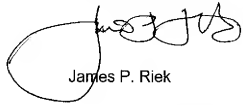
For the above reasons, withdrawal of the rejection of claims 1-3, 6-25, 27, 28, 30 and 31 is respectfully solicited.

CONCLUSION

All issues raised by the examiner to date have been addressed. As such, the claims are asserted to be in a condition for allowance. Applicant requests that a timely Notice of Allowance be issued in this case. If any matters exist that preclude issuance of a Notice of Allowance, the examiner is requested to contact the Applicant's representative at the number indicated below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sections 1.16 and/or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

Respectfully submitted,



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